

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
September 20, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, September, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Greg Davy, Public Information Officer, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), reported that the project on Bay Tree Beach Road was now complete. He stated the Route 1050 project had been awarded, and Cary's Chapel Road was approximately 49 percent complete. He explained that the slope repairs along Route 17, Route 199, and Interstate-64 were in progress with no impending problems. He discussed Route 17 repaving and stated that the Wal-Mart entrance on East Rochambeau Drive had been opened. He also mentioned that the railroad crossing on Route 143 would be repaired.

Mr. Shepperd noted he had received requests for a pedestrian crossing across Victory Boulevard and Big Bethel Road.

PRESENTATIONS

YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed Ms. Bonnie Baffer as the newest appointee to the York County Transportation Safety Commission. He then presented her with a Boards and Commissions Handbook and a York County pin.

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated Franklin C. Crotty for having attained 20 years of service with the County. He then presented Mr. Crotty with a 20-year service pin and certificate of appreciation.

NATIONAL ASSOCIATION OF COUNTIES (NACO) ACHIEVEMENT AWARDS

Mr. McReynolds provided information on the award program and the York County nominations, and Chairman Burgett presented the award certificates to the following recipients:

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| | |
|----------------------------------|--|
| Captain Thom Schwalenberg | Fire and Rescue Excellence Series Training Seminars |
| Assistant Fire Chief Jim Dishner | Community Emergency Response Team or CERT Neighborhood Recognition Program |
| Judy Riutort | Safety Santa |
| Tom Gallagher | Mosquito Beaters: It's Elementary |
| Jim Noel | Route 17 Corridor Revitalization Program |
| Laurie Halperin | Trash, Cash and Ash Program |
| Greg Davy, Judy Riutort | WXGM Radio Agreement |
| Tom Sawyer | Achievement of Excellence in Procurement Award |

GOVERNMENT FINANCE OFFICERS' ASSOCIATION (GFOA) AWARDS FOR FINANCIAL REPORTING ACHIEVEMENT AND BUDGET

Mr. Joe Casey, Virginia GFOA State Representative, presented two GFOA Awards to the County, the first being the Distinguished Budget Document and then the Comprehensive Annual Financial Report.

Chairman Burgett then congratulated and presented plaques to representatives of the Department of Financial and Management Services.

JAMES CITY COUNTY RECOGNITION

Mr. Michael Brown, Chairman, James City County Board of Supervisors, Board member Andy Bradshaw, and County Administrator Sandy Wanner, appeared before the Board to present a Resolution of Appreciation for York County's assistance in bringing James City County's 911 system back on line following a recent lightening strike.

NEIGHBORHOOD OF THE YEAR AWARDS

Mr. McReynolds announced the winners of the Neighborhood of the Year Awards, and Chairman Burgett presented to representatives of the following subdivisions a Neighborhood of the Year Award sign:

| | |
|--|-------------------------------------|
| Carriage Homes at Williamsburg Commons | Beautification |
| Villages of Kiln Creek | Neighborhood Cooperation and Spirit |
| The Greenlands | Safety |

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett described some of the topics discussed during a conference he attended for local government attorneys. The conference was held to apprise local government attorneys of current developments in the law.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced the Board would meet with the General Assembly delegation to review its legislative program on September 27. The next regular meeting of the Board will be the October 4 joint meeting with the Economic Development Authority. He also noted the Board has scheduled an October 11 work session to discuss the Comprehensive Plan, followed by another Regular Meeting on October 25 that will include a Public Hearing on the Comprehensive Plan.

MATTERS PRESENTED BY THE BOARD

Mr. Bowman referred to the article in the York Town Crier concerning property donated by Mr. Ed Joseph for a Boys and Girls Club that is located on Goosley Road next to Yorktown Middle School. Mr. Bowman publicly thanked those who helped put this project together, stating it was a great thing for the County. He then expressed his appreciation to County employees who perform outstanding jobs, highlighting those who accepted NACO awards on behalf of the County. He praised the entire County and stated he was impressed by the awards the County had received. He commended the Emergency Operations Center and the Department of Fire and Life Safety for its help in restoring emergency communications to James City County.

Mrs. Noll echoed Mr. Bowman's comments about the staff, and noted it takes a lot of people working together to be this successful. She spoke about the York County Katrina Benefit Day to be held September 25 that will help the victims of Hurricane Katrina. She reported that she attended the Hampton Roads Partnership Retreat in Richmond, where some of the topics discussed were BRAC and the closing of Oceana. She expressed the importance of the state's support for Oceana, and emphasized the loss of jobs that would occur upon the closure of that base. Mrs. Noll explained that transportation was another topic discussed, mentioning that the General Assembly had previously raided the Transportation Trust Fund, but put the money back each time it was taken out. She asked that everyone pay attention to transportation issues.

Mr. Zaremba reiterated Mr. Bowman's comments about staff, in particular the Fire and Life Safety Department. He reported on the WADMAC committee's findings: the July hotel/motel room sales revenues for the Historic Triangle increased 13 percent; the meals sales tax increased 8.5 percent; and some of the vacation package deals increased over 50 percent resulting in tourism on the upswing. He went on to discuss the upcoming budget cycle, and the result of the impending tax assessment and tax rates. He referred to a newspaper article concerning uncontrolled growth in the Lightfoot area, and he discussed the Chairman's response to that article.

PUBLIC HEARINGS**SCHOOL BOND FINANCING**

Mrs. Carol White, Director of Financial and Management Services, gave a presentation on proposed Resolution R05-144 to authorize the issuance of school bonds to finance certain capital projects for school purposes.

Chairman Burgett called to order a public hearing on proposed Resolution R05-144 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
NOT TO EXCEED \$16,000,000 GENERAL OBLIGATION SCHOOL
BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-144 that reads:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
NOT TO EXCEED \$16,000,000 GENERAL OBLIGATION SCHOOL
BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") has determined that it is necessary and expedient to borrow not to exceed \$16,000,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes; and

WHEREAS, the Board held a public hearing on September 20, 2005, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds and has consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$15,700,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, the VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in section 1 below does not exceed the amount of the discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$16,000,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price determined by the VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form on file with the County Administrator, which form is hereby approved ("Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2005" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2006, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Principal Installments and Interest Rates. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be no more than ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by the VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 21 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

- (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption;
- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds; and

- (c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2015, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2015, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2015, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2015, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2015, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| <u>Dates</u> | <u>Prices</u> |
|--|---------------|
| July 15, 2015 to July 14, 2016, inclusive..... | 101% |
| July 15, 2016 to July 14, 2017, inclusive..... | 100.5 |
| July 15, 2017 and thereafter..... | 100; |

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by the VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The County Administrator, the Chairman of the Board, and such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 20, 2005, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

On roll call the vote was:

| | | |
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| Yea: | (5) | Zaremba, Noll, Bowman, Shepperd, Burgett |
| Nay: | (0) | |

CHILD DEVELOPMENT RESOURCES LEASE AGREEMENT

Mrs. Anne B. Smith, Director of Community Services, gave a presentation on proposed Resolution R05-146 to authorize the execution of a lease agreement with Child Development Resources, Inc., for the office space in the Griffin-Yeates Center Building.

Chairman Burgett called to order a public hearing on proposed Resolution R05-146 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT
RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION

TION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER
BUILDING LOCATED ON GOVERNMENT ROAD

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R05-146 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOP-
MENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORA-
TION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER
BUILDING LOCATED ON GOVERNMENT ROAD

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia Corporation, operates the First Steps program whose purpose is to provide an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens and which is located in the Griffin-Yeates Center on Government Road; and

WHEREAS, Child Development Resources, Inc., has been implementing a federal grant that provides Early Head Start home based services to parents of infants and toddlers and has asked to rent an office with approximately 200 square feet also located within the Griffin-Yeates Center on Government Road to serve as a base of operations for personnel involved in the implementation of that grant; and

WHEREAS, the County desires to make available approximately 200 square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center located at 1490 Government Road, which is a building owned by the County of York, by the execution of a Lease Agreement for a term of one year with Child Development Resources, Inc.; and

WHEREAS, charges for that space shall be at a rate of \$2,004 per year with the proceeds from such rental to be dedicated to the County Children's Food Services program; and

WHEREAS, a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on September 20, 2005;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this, the 20th day of September, 2005, that the County Administrator be, and he is hereby, authorized to execute a Lease Agreement with Child Development Resources, Inc. for approximately two hundred (200) square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center, for a term commencing November 1, 2005 and ending October 31, 2006, and in consideration of the sum of \$2,004 per year.

BE IT FURTHER RESOLVED that proceeds from such rental shall be dedicated to the County Children's Food Service program.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

LIMITED ACCESS BREAK – WATER COUNTRY USA

Mr. James W. Noel, Director of the Office of Economic Development, gave a presentation on proposed Resolution R05-163 to support the request of Water Country USA to the Commonwealth Transportation Board for a break in the limited access designation for Route 199 in order to accommodate the relocation of the commercial entrance serving Water Country.

Chairman Burgett called to order a public hearing on proposed Resolution R05-163 that was duly advertised as required by law and is entitled:

A RESOLUTION TO SUPPORT THE REQUEST OF BUSCH ENTERTAINMENT CORPORATION TO OBTAIN APPROVAL FROM THE COMMONWEALTH TRANSPORTATION BOARD FOR A LIMITED ACCESS BREAK ON ROUTE 199 APPROXIMATELY 1,200 FEET NORTH OF THE CURRENT ENTRANCE TO WATER COUNTRY USA

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R05-163 that reads:

A RESOLUTION TO SUPPORT THE REQUEST OF BUSCH ENTERTAINMENT CORPORATION TO OBTAIN APPROVAL FROM THE COMMONWEALTH TRANSPORTATION BOARD FOR A LIMITED ACCESS BREAK ON ROUTE 199 APPROXIMATELY 1,200 FEET NORTH OF THE CURRENT ENTRANCE TO WATER COUNTRY USA

WHEREAS, the Busch Entertainment Corporation has approached the York County Board of Supervisors to seek the Board's support for their request to the Commonwealth Transportation Board for authorization of a break in the limited access status of Route 199; and

WHEREAS, Busch Entertainment Corporation has represented to the Board of Supervisors that it has plans to relocate the entrance to Water Country USA 1,200 feet north of the current entrance and make improvements to the new entrance that will improve traffic flow due to an additional 3,000 feet of on-site parking staging and safety due to increased separation from Interstate 64; and

WHEREAS, Busch Entertainment Corporation has also represented that its intention is to sell approximately 240 acres adjacent to Water Country USA for commercial development and the current entrance to Water Country USA will be needed to support any future development of that property; and

WHEREAS, Busch Entertainment Corporation has represented to the Board of Supervisors that it would install, at its expense, a 400-foot deceleration right turn lane into Water Country USA, a new median break, and a new 200-foot left turn lane from the South; and

WHEREAS, the Board of Supervisors has carefully considered Busch Entertainment Corporation's request and found it to be worthy of support, as it will enhance traffic safety for patrons of Water Country USA and the motoring public utilizing Route 199, as well as fostering a significant new commercial development; and

WHEREAS, a duly advertised public hearing was held on September 20, 2005, following which the Board determined that the proposed action was in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2005, that it does hereby endorse the request of Busch Entertainment Corporation to obtain authorization from the Commonwealth Transportation Board for a limited access break of 150 feet on Route 199 that would allow the relocation of the entrance to Water Country USA, approximately 1,200 feet to the north midway between Water Country Parkway, Route 640 and Penniman Road, Route 641.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett

Nay: (0)

AMENDMENT TO YORK COUNTY CODE – BAIL BONDSMEN

Mr. Barnett gave a presentation on proposed Ordinance No. 05-23 to amend the York County Code to require that no business license shall be issued until a bail bondsman has first been licensed by the Virginia Department of Criminal Justice Services as required by the Code of Virginia.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-23 which was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE § 14-27
RELATIVE TO THE BUSINESS PROFESSIONAL AND OCCUPA-
TIONAL LICENSE FOR BAIL BONDSMEN, TO REQUIRE THAT NO
SUCH BUSINESS LICENSE SHALL BE ISSUED UNTIL THE BAIL
BONDSMAN HAS FIRST BEEN LICENSED BY THE VIRGINIA
DEPARTMENT OF CRIMINAL JUSTICE SERVICES AS REQUIRED
BY CODE OF VIRGINIA § 9.1-185 ET SEQ.

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 05-23 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE § 14-27
RELATIVE TO THE BUSINESS PROFESSIONAL AND OCCUPA-
TIONAL LICENSE FOR BAIL BONDSMEN, TO REQUIRE THAT NO
SUCH BUSINESS LICENSE SHALL BE ISSUED UNTIL THE BAIL
BONDSMAN HAS FIRST BEEN LICENSED BY THE VIRGINIA
DEPARTMENT OF CRIMINAL JUSTICE SERVICES AS REQUIRED
BY CODE OF VIRGINIA § 9.1-185 ET SEQ.

BE IT ORDAINED by the York County Board of Supervisors, this 20th day of September, 2005, that section 14-27, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 14-27. Classification of business.

The classification of any particular business for the purpose of imposing a license tax shall be made in accordance with the guidelines set forth in this section:

* * *

- (d) Repair, personal, business and other services.
- (1) The repairing, renovating, cleaning or servicing of some article or item of personal property for compensation is a repair service, unless the service is specifically provided for under another section.
 - (2) Any service rendered for compensation either upon or for persons, animals or personal effects is a personal service, unless the service is specifically provided for under another section.
 - (3) Any service rendered for compensation to any business, trade, occupation or governmental agency is a business service, unless the service is specifically provided for under another section of these guidelines.
 - (4) Those rendering a repair, personal or business service or other service include, but are not limited to the following:

Advertising agencies
 Airports
 Ambulance services
 Amusements and recreation services (all types)
 Animal hospitals, grooming services, kennels or stables
 Auctioneers and common criers
 Automobile driving schools
 Barber shops, beauty parlors, and hairdressing establishments, schools and services
 Bid or building reporting service
 Billiard or pool establishments or parlors
 Blacksmiths or wheelwrights
 Bondsman**
 Booking agents or concert managers
 Bottle exchanges
 Bowling alleys
 Brokers and commission merchants other than real estate or financial brokers
 Business research and consulting services
 Cable television services
 Chartered clubs
 Child care attendants or schools
 Collection agents or agencies
 Commercial photography, art and graphics
 Commercial sports
 Dance halls, studios and schools
 Data processing, computer and systems development services
 Developing or enlarging photographs
 Drafting services
 Engraving
 Erecting, installing, removing or storing awnings
 Freight traffic bureaus
 Fumigating or disinfecting
 Funeral services and crematories
 Golf courses, driving ranges and miniature golf courses
 Hauling of sand, gravel or dirt
 Hotels, motels, tourist courts, boarding and rooming houses and trailer parks and campsites
 House cleaning services
 Impounding lots
 Information bureaus
 Instructors, tutors, schools and studios of music, ceramics, arts, sewing, sports and the like
 Interior decorating
 Janitorial services
 Landscape services and yard maintenance services
 Laundry cleaning and garment services including laundries, dry cleaners, linen supply, diaper service, coin-operated laundries, and carpet and upholstery cleaning
 Mailing, messenger and correspondent services
 Marinas and boat landings
 Massage parlors
 Movie theaters and drive-in theaters
 Nickel plating, chromizing and electroplating
 Nurses and physician registries

**No license shall be issued to any bondsman unless and until the applicant shall have first obtained a bail bondsman license from the Virginia Department of Criminal Justice Services. If a professional bondsman has a license granted by any other county or city, he shall be authorized to enter into bonds within the County of York.

Nursing and personal care facilities including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes.
 Packing, crating, shipping, hauling or moving goods or chattels for others
 Parcel delivery service
 Parking lots, public garages and valet parking
 Pawnbrokers
 Personnel services, labor agents and employment bureaus
 Photographers and photographic services
 Piano tuning
 Picture framing and gilding
 Porter services
 Press clipping services
 Public hospitals
 Promotional agents or agencies
 Public relations services
 Realty multiple listing services
 Renting or leasing any items of tangible personal property
 Reproduction services
 Secretarial services
 Seamstress services
 Septic tank cleaning
 Shoe repair, shoe shine and hat repair shops
 Sign painting
 Solid waste collection services
 Storage, all types
 Swimming pool maintenance and management
 Tabulation services
 Tailor services
 Taxidermist
 Telephone answering services
 Theaters
 Theatrical performers, bands and orchestras
 Towing services
 Transportation services including buses and taxis
 Travel bureaus
 Tree surgeons, trimmers and removal services
 Turkish, Roman or other like baths or parlors
 Wake-up services
 Washing, cleaning or polishing automobiles

- (5) Any person buying or selling any kinds of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.
- (6) Photographers who have no place of business in Virginia may be subject to local license taxation as imposed by section 14-28 of this chapter.
- (7) Sign painting is a service unless the sign is painted on the side of a building or any other structure assessed as realty in which case the sign painting is contracting.
- (8) An amusement is a type of entertainment or show for which compensation is received and that is not specifically provided for under another section.
- (9) As used in this subsection, the term "renting or leasing any items of tangible personal property" shall not include persons engaged in the short-term rental business, as defined in section 21-120.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
 Nay: (0)

AMENDMENT TO YORK COUNTY CODE – PARKING PROHIBITIONS

Mr. Carter gave a presentation on proposed Ordinance No. 05-25 to amend Section 15-48 of the York County Code to add the Willow Lakes Subdivision to the list of specific areas where parking of certain classifications of commercial, recreational, and passenger carrying vehicles on public streets is prohibited.

Chairman Burgett called to order a public hearing on proposed Ordinance 05-25 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD WILLOW LAKES TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance R05-25 that reads:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD WILLOW LAKES TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along certain streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, the Board has adopted an ordinance that prohibits the parking of certain classifications of vehicles on certain secondary system highways in designated areas of the County; and

WHEREAS, pursuant to a request made by the Willow Lakes homeowners association, and the investigation of the streets and parking characteristics of that development, the Board has determined that it would be appropriate and desirable to add Willow Lakes to the list of areas subject to the special parking restrictions; and

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 20th day of September, 2005, that Section 15-48(c)(3) of Chapter 15, Motor Vehicles and Traffic, York County Code, be and it is hereby amended to add subsection bb. as follows:

bb. Willow Lakes

BE IT FURTHER ORDAINED that said restrictions shall be applied to those streets within the Willow Lakes development that have been, or that are in the future, accepted into the Virginia Department of Transportation Secondary System.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett

Nay: (0)

APPLICATION NO. UP-675-05, ROBERT CRINER

Mr. Carter gave a presentation on Application No. UP-675-05 to approve a use permit authorizing an 800 square foot accessory apartment on the first floor of an existing detached garage located at 300 Criner Lane. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-150.

Mr. Shepperd asked how the County could be sure these types of apartments were not used as rentals.

Mr. Carter explained the best enforcement mechanism is the neighbors who observe and complain of non-family members living in the structure.

Chairman Burgett called to order a public hearing on Application No. UP-675-05 that was duly advertised as required by law. Proposed Resolution R05-150 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 300 CRINER LANE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-150 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 300 CRINER LANE

WHEREAS, Robert T. Criner has submitted Application No. UP-675-05 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2005, that Application No. UP-675-05 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing two-story garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the first floor of an existing two-story

detached garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711).

2. The apartment shall be contained within the existing structure located on the north-western side of the subject property as indicated on the survey submitted by the applicant titled "Plat of the Property of: Robert T. & Agnes L. Criner, Parcel of Land Containing 5.0673 Acres, Bethel District, County of York, Virginia," prepared by Keller, Lewis and Associates, P.C. and received by the Planning Division on June 30, 2005. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on June 30, 2005 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

On roll call the vote was:

| | | |
|------|-----|--|
| Yea: | (5) | Noll, Bowman, Shepperd, Zaremba, Burgett |
| Nay: | (0) | |

APPLICATION NO. UP-676-05, MID ATLANTIC TOWER

Mr. Carter gave a presentation on Application No. UP-675-05 to approve a use permit authorizing a 198-foot self-supporting communications tower with associated ground-mounted equipment within a leased area located at 1311 Seaford Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-151.

Mr. Vernon Geddy, attorney representing the applicant, informed the Board that there was a real need for improved coverage in this part of the County.

Chairman Burgett called to order a public hearing on Application No. UP-675-05 that was duly advertised as required by law. Proposed Resolution R05-151 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A 198-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT WITHIN A LEASED AREA LOCATED ON A PORTION OF THE PROPERTY OF SEAFORD BAPTIST CHURCH LOCATED AT 1311 SEAFORD ROAD

Mrs. Rose Camm, 107 Walkin Lane, explained that she lived on the neighboring property, approximately 352 feet from the tower. She expressed concerns over radiation and the health issues that may arise from the tower. She noted concerns about her television reception both now and in the future and asked, if a problem arose later, would the applicant be required to keep the tower up to code or proper standards.

Mr. Barnett stated the Federal Telecommunications Act prohibits denial of a tower on the basis on alleged health concerns of radiation. He explained there had been numerous scientific studies that indicate there is not a health risk related with telecommunication towers.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R05-151 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A 198-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT WITHIN A LEASED AREA LOCATED ON A PORTION OF THE PROPERTY OF SEAFORD BAPTIST CHURCH LOCATED AT 1311 SEAFORD ROAD

WHEREAS, Mid-Atlantic Tower Development, LLC has submitted Application No. UP-676-05, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2005, that Application No. UP-676-05 be, and it is hereby, approved authorizing construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding communications tower with associated equipment on a portion of the 16.07-acre parcel of land located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337).
2. The height of the tower shall not exceed 198 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Mid-Atlantic Tower Development, LLC; Telecommunications Facility; Seaford; 1311 Seaford Road, Seaford, Virginia," Sheets 1 – 3; dated 05/31/05, prepared by Johnson, Merriman & Thompson Engineering, received by the Planning Division June 30, 2005. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
7. Alternative access to the site via Walkin Lane may be permitted provided that prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, documentation is submitted to the County verifying lawful authority of the property owner and the applicant as their lessee to use the Walkin Road right-of-way for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening as deemed necessary by the Zoning Administrator pursuant to Section 24.1-240 et. seq.

11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
14. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility, green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.
15. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
17. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
 Nay: (0)

APPLICATION NO. UP-678-02, ROBERT BROWN ASSOCIATES

Mr. Carter gave a presentation on Application No. UP-678-05 to approve a use permit authorizing the establishment of a fast food restaurant located at 6720 Mooretown Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-152.

Mr. Zaremba asked why a special use permit was needed in this case.

Mr. Carter explained that the Zoning Ordinance required a special use permit for any fast food restaurant.

Mr. Keith Simpson, representing Chick-Fil-A, appeared to answer any of the Board's questions, and stated they are looking forward to getting the building up and running.

Mr. Zarembo stated he was not looking for a series of fast food restaurants in that area, and pointed out that the hospital and developers were putting millions of dollars into the area, and the citizens along Mooretown Road deserved more than fast food restaurants. He noted the McLaws Circle area and the fast food restaurants that had closed.

Chairman Burgett called to order a public hearing on Application No. UP-678-05 that was duly advertised as required by law. Proposed Resolution R05-152 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE AT 6720 MOORETOWN ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-152 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE AT 6720 MOORETOWN ROAD

WHEREAS, Robert Brown Associates LLC have submitted Application No. UP-678-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2005, that Application No. UP-678-05 be, and it hereby is, approved to authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2 (GPIN No. C19c-0101-2311); subject to the following conditions:

1. This use permit shall authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan and building elevation shall be in substantial conformance with the plan titled "Chick-fil-A, Special Use Permit Plan, Williamsburg Marketcenter, Mooretown Road, Williamsburg, VA," prepared by Bohler Engineering, P.C., dated 6/6/05 and revised 8/1/05, and received by the Planning Division August 2, 2005, and the building elevation titled "Chick-fil-A" prepared by E+H Architects, dated 7/22/05 and received by the Planning Division July 22, 2005.

3. Freestanding identification signage shall be limited to a single monument sign, and fascia used on the base of the sign shall match that of the building façade.
4. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at time of application for site plan approval.
5. In accordance with Section 24.1-244(b), building perimeter landscaping may be transferred only for that portion of the building abutting the drive-through aisle at the southern and western ends of the building.
6. Any existing landscaping on the Home Depot property requiring removal for installation of the proposed accesses shall be relocated or replaced in the same immediate vicinity.
7. All parking spaces shall be located a minimum of ten (10) feet from the face of the building.
8. To prevent unsafe traffic movements within the joint access aisle adjacent to the east end of the subject property, driveways serving the property shall be located parallel and in line with existing parking aisle breaks in the Home Depot parking lot.
9. Fascia materials used for the building façade and sign base shall be compatible with the existing façade on the Home Depot building.
10. In accordance with Section 24.1-245, there shall be no disturbance of the 45-foot greenbelt buffer along Mooretown Road.
11. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
12. Trash removal service shall not occur during restaurant operating hours.
13. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Shepperd also echoed the remarks by Board members concerning staff's achievements. He reported on his recent trip to Africa and compared values in other countries to those here, expressing his appreciation for what this country and county have to offer. He discussed the award presented to York by James City County for mutual support, and mentioned the many letters of appreciation received by the Department of Fire and Life Safety for its quality services. Mr. Shepperd went on to discuss the NACo awards, and pointed out the successes of the County came from a government that cares, appoints those in leadership positions, and encourages volunteers. He mentioned some of the activities the supervisors are involved in, and emphasized that citizens do not see all of the activities of the supervisors, noting that their work is a labor of love for the community.

Chairman Burgett stated the Comprehensive Plan had been reviewed by the Planning Commission, and a Work Session will be held on October 11 to discuss it. He suggested that everyone take a look at the Plan which is listed on the County's website. He reported on attending Sentara Hospital's Public Hearing on its Certificate of Need, and he elaborated on the importance of the hospital and its contribution to the community. He mentioned he had met with some of the representatives of Meals on Wheels, and presented proclamations to several of its volunteers. He talked about the Colonial Group Home Commission's dinner and described some of its accomplishments. Mr. Burgett also noted he had spoken at the Chesapeake Bay Local Assistance Program. He then referred to phone call about the trailers at York High School, and he explained they were due to a major renovation project going on throughout the school.

CONSENT CALENDAR

Mrs. Noll asked that one word be changed in the minutes of August 16. She stated that the word "panel" in her comments under Matters Presented by the Board should have been "conference."

Mrs. Noll then moved that the Consent Calendar be approved as amended with the correction to the August 16 minutes, and Item Nos. 9, 10, 11, 12, and 13, respectively.

On roll call the vote was:

| | | |
|------|-----|--|
| Yea: | (5) | Zaremba, Noll, Bowman, Shepperd, Burgett |
| Nay: | (0) | |

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 9. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

August 16, 2005

Item No. 10. APPLICATION NO. UP-682-05, FAITH FOR LIVING: Resolution R05-159.

A RESOLUTION TO APPROVE A ONE-YEAR EXTENSION OF THE DEADLINE FOR A PREVIOUSLY APPROVED TRANSITIONAL HOME

WHEREAS, Faith for Living Deloris Borum Ministries, Inc. submitted Application No. UP 621-03, pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, which requested a Special Use Permit to establish a transitional home on property located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171 (GPIN# R07b-3925-2892); and

WHEREAS, on October 21, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution No. R03-168R; and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, Faith for Living Deloris Borum Ministries, have submitted Application No. UP 682-05, which requests that the above-referenced Special Use Permit be amended, pursu-

September 20, 2005

ant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize a one-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of September, 2005, that Application No. UP 682-05, be, and it is hereby, approved to authorize a one-year extension of the October 21, 2005 deadline for establishing the transitional home.

BE IT FURTHER RESOLVED that failure to establish the transitional home in accordance with the provisions set forth in Section 24.1-115(c)(1) of the Zoning Ordinance on or before October 21, 2006, shall cause the special use permit to terminate automatically.

Item No. 11. STREET ACCEPTANCES: Resolution R05-160.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE
CREEKSIDE LANDING SUBDIVISION INTO THE SECONDARY
SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form LA-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of September, 2005, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form LA-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Creekside Landing and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted September 20, 2005.

The following Form LA-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the Secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form LA-5A
Local Assistance Division 6/2005
Project/Subdivision
Creekside Landing, Sections One, Two, and Three

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

anted:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 716 (West Queens Drive)
 To: Route 1386 (Spinnaker Way)
 A distance of: 0.19 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 90'-70'

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 1386 (Spinnaker Way)
 To: Route 1390 (Jib Court)
 A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 70'-60'

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 1390 (Jib Court)
 To: Future Intersection (Corvette Drive)
 A distance of: 0.06 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 60'

Schooner Boulevard, State Route Number 1385

Description: *From:* Future Intersection (Corvette Drive)
 To: Route 1391 (Ketch Court)
 A distance of: 0.06 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 60'

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 1391 (Ketch Court)
 To: Route 1392 (Clipper Court)
 A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 60'

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 1392 (Clipper Court)
 To: Route 1393 (Sloop Court)
 A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, and on 5/25/2004, Instrument No. 040010760, with a width of 60'-50'

Schooner Boulevard, State Route Number 1385

Description: *From:* Route 1393 (Sloop Court)
 To: End of cul-de-sac
 A distance of: 0.08 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/25/2004, Instrument No. 040010760, with a width of 50'

Spinnaker Way, State Route Number 1386

Description: *From:* Route 1385 (Schooner Boulevard)

To: Route 1387 (Rudder Court)
A distance of: 0.11 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 60'

Spinnaker Way, State Route Number 1386

Description: From: Route 1387 (Rudder Court)
To: Route 1388 (Starboard Court)
A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, and on 5/25/2004, Instrument No. 040010760, with a width of 60'

Spinnaker Way, State Route Number 1386

Description: From: Route 1388 (Starboard Court)
To: Temporary Turnaround (Yardarm Court)
A distance of: 0.06 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, and on 5/25/2004, Instrument No. 040010760, with a width of 50'

Rudder Court, State Route Number 1387

Description: From: Route 1386 (Spinnaker Way)
To: End of cul-de-sac
A distance of: 0.14 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, and on 5/25/04, Instrument No. 040010760, with a width of 50'

Starboard Court, State Route Number 1388

Description: From: Route 1386 (Spinnaker Way)
To: End of cul-de-sac
A distance of: 0.11 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/25/2004, Instrument No. 040010760, with a width of 50'

Outrigger Court, State Route Number 1389

Description: From: Route 1385 (Schooner Boulevard)
To: End of cul-de-sac
A distance of: 0.04 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 50'

Jib Court, State Route Number 1390

Description: From: Route 1385 (Schooner Boulevard)
To: End of cul-de-sac
A distance of: 0.08 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, with a width of 50'

Ketch Court, State Route Number 1391

Description: From: Route 1385 (Schooner Boulevard)
To: End of cul-de-sac
A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/12/2003, Instrument No. 030013168, and on 12/9/2003, Instrument No. 030038624, with a width of 50'

Clipper Court, State Route Number 1392

Description: From: Route 1385 (Schooner Boulevard)

To: End of cul-de-sac
A distance of: 0.08 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on
5/12/2003, Instrument No. 030013168, and on 12/9/2003, Instrument No.
030038624, with a width of 50'

Sloop Court, State Route Number 1393

Description: *From:* Route 1385 (Schooner Boulevard)
To: End of cul-de-sac
A distance of: 0.04 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on
5/25/2004, Instrument No. 040010760, with a width of 50'

Item No. 12. YMCA BONDS: Resolution R05-164.

A RESOLUTION CONCURRING WITH THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF RICHMOND COUNTY, VIRGINIA, AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF POQUOSON, VIRGINIA, OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$10,000,000 FOR THE BENEFIT OF PENINSULA METROPOLITAN YMCA

WHEREAS, there has been described to the Economic Development Authority of York County, Virginia (the York County Authority), the plans of the Peninsula Metropolitan YMCA (the Company), the Industrial Development Authority of Richmond County, Virginia (the Richmond County Authority), and the Industrial Development Authority of the City of Poquoson, Virginia (the Poquoson Authority) with respect to the issuance by the Richmond Authority of revenue bonds not exceeding \$5,000,000 and the issuance by the Poquoson Authority of revenue bonds not exceeding \$5,000,000 (collectively, the Bonds) to finance (i) the construction and equipping of a 42,000 square foot recreational facility known as the Greater Williamsburg Family YMCA located at Mooretown Road on the campus of Sentara Williamsburg Regional Medical Center in York County, Virginia, (ii) the renovation and equipping of a 12,000 square foot addition to the existing recreational facility known as the Victory Family YMCA located at 101 Long Green Blvd., Yorktown, Virginia, (iii) the renovation of the interior and exterior of the recreational facility known as the Hampton Family YMCA located at 1322 LaSalle Avenue, Hampton, Virginia, (iv) the renovation, expansion and equipping of a recreational facility known as the Richmond County Family YMCA located at 761 Main Street, Warsaw, Virginia, and (v) the cost of issuing the Bonds; and

WHEREAS, it has been represented to the Board of Supervisors of York County, Virginia (the Board) that the above facilities will be owned by the Company; and

WHEREAS, it has been represented to the Board that a public hearing with respect to the Bonds as required by Virginia law and the Internal Revenue Code of 1986, as amended (the Code), was held by the York County Authority on August 29, 2005; and

WHEREAS, it has been represented to the Board that the Richmond County Authority held a public hearing with respect to its portion of the Bonds on August 25, 2005, and adopted an approving resolution (the Richmond County Authority Resolution) with respect to such bonds on that date; and

WHEREAS, it has been represented to the Board that the Poquoson Authority held a public hearing with respect to its portion of the Bonds on August 25, 2005, and adopted an approving resolution (the Poquoson Authority Resolution) with respect to such bonds on that date; and

WHEREAS, Sections 15.2-4905 and 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code), provide that the Board must concur with the adoption of the

Richmond County Authority Resolution and the Poquoson Authority Resolution and approve the issuance of the Bonds prior to the issuance of the Bonds; and

WHEREAS, the York County Authority has adopted a resolution recommending that the Board concur with the Richmond County Authority Resolution and the Poquoson Authority Resolution; and

WHEREAS, the Code and Section 15.2-4906 provide that the highest elected governmental officials of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located shall approve the issuance of such bonds; and

WHEREAS, a portion of the financed property is to be located in York County, Virginia, and the members of the Board constitute the highest elected governmental officials of York County, Virginia; and

WHEREAS, a copy of the Richmond County Authority Resolution, the Poquoson Authority Resolution, and the York County Authority's resolution and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YORK COUNTY, VIRGINIA:

1. The recitals in the preambles hereto are adopted as a part of this resolution as if fully written herein.

2. The Board concurs with the adoption of the Richmond County Authority Resolution and the Poquoson Authority Resolution and approves the issuance of the Bonds by the Richmond County Authority and the Poquoson Authority, all to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code.

3. The concurrence with the Richmond County Authority Resolution and the Poquoson Authority Resolution, and the approval of the issuance of the Bonds as provided above, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, does not constitute an endorsement to prospective purchasers of the Bonds of the creditworthiness of the Company and the Bonds shall provide that York County shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or York County shall be pledged thereto.

4. This resolution shall take effect immediately upon its adoption.

Item 13. RESCHEDULING OF THE OCTOBER 18, 2005, REGULAR MEETING OF THE YORK COUNTY BOARD OF SUPERVISORS: Resolution R05-166.

A RESOLUTION TO RESCHEDULE THE OCTOBER 18, 2005,
REGULAR MEETING OF THE YORK COUNTY BOARD OF SU-
PERVISORS TO OCTOBER 25, 2005

WHEREAS, the York County Board of Supervisors' regular meetings are held the first and third Tuesdays of each month, with the exception of July and November when there is only a meeting on the third Tuesday of those months; and

WHEREAS, a regular meeting of the Board of Supervisors is scheduled for Tuesday, October 18, 2005; and

WHEREAS, October 18 is the day before Yorktown Day, a County holiday, and the Board members will be involved in Yorktown Day events the evening of October 18; and

WHEREAS, Section 15.2-1416 of the Code of Virginia permits the governing body to changes its date, time, or place of meeting, provided that it adopts an appropriate resolution and properly posts and advertises said resolution;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of September, 2005, that the regular meeting of the York County Board of Supervisors scheduled to be held Tuesday, October 18, 2005, be and it is hereby, rescheduled to be held Tuesday, October 25, 2005, in the Board Room of York Hall, at 6:00 p.m.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, directed to post and advertise this resolution in accordance with Section 15.2-1416 of the Code of Virginia.

NEW BUSINESS

LEGISLATIVE PROGRAM FOR 2006

Mr. McReynolds gave a presentation on proposed Resolution R05-162 to approve the County's Legislative Program for 2006.

Mrs. Noll then moved the adoption of proposed Resolution R05-162 that reads:

A RESOLUTION APPROVING THE COUNTY'S 2006 LEGISLATIVE PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2005 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of September, 2005, that this Board hereby approves the County's 2006 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2006 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

On roll call the vote was:

| | | |
|------|-----|--|
| Yea: | (5) | Noll, Bowman, Shepperd, Zaremba, Burgett |
| Nay: | (0) | |

Meeting Adjourned. At 8:02 p.m. Chairman Burgett moved that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors